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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,096	09/28/2005	Michael H Johnson	304-43048-US (D5407-288)	1119
25397 7590 06/19/2008 DUANE MORRIS LLP 3200 SOUTHWEST FREEWAY SUITE 3150 HOUSTON, TX 77027				
EXAMINER BOMAR, THOMAS S				
ART UNIT		PAPER NUMBER		
3676				
MAIL DATE		DELIVERY MODE		
06/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/517,096

Applicant(s)

JOHNSON, MICHAEL H

Examiner

Shane Bomar

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn based upon the telephone conversation on May 5, 2008.

Claim Objections

2. Claims 5-7, 12-15, and 17-19 are objected to because of the following informalities:
- a. In claims 5-7, 12-14, and 17-19, the recitation of "between about 1" should most likely be changed to --between about 2-- in each claim since a "plurality" of assemblies is being referred to, which cannot include only one assembly.
 - b. In claim 15, the recitation of "extended into the site of the injection zone forming a conduit from an interior of the casing to the formation, well completion tubing and equipment" in lines 7-8 is unclear as currently worded (e.g., what exactly is *extended into* the site because it now looks as though the injection zone is extended?, are the well completion tubing and equipment part of the casing, the system, both?). Rewording of this section of the claim is respectfully requested to better convey that which the Applicant intended to state.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-7 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,070,663 of Cernocky et al in view of US 5,228,518 of Wilson et al, and further in view of US 3,924,677 of Prenner et al.

Regarding claims 1 and 15, Cernocky et al teach a method and system of injection well construction comprising: drilling a borehole through an injection zone of a formation having formation fluid therein (see Fig. 2C); running a casing 136 into the borehole; providing a production well, with well completion tubing and equipment, in the formation discrete from said borehole (col. 2, lines 19-49); and injecting fluids (such as steam) into the well through the casing to drive the formation fluid to the production well (col. 6, lines 26-34). However, it is not taught that the casing includes an extendable assembly comprising a fixed portion and a movable portion so that the assembly is positioned adjacent a site in the injection zone to form a conduit once extended.

Wilson et al teach a system wherein a casing 60 is run into the borehole (Figs. 2, 3, and 6), the casing including apertures therein for allowing fluidic communication with the formation, similar to the apertures in the casing of Cernocky et al. It is further taught that extendable assemblies 50 are placed in the apertures to not only center the casing within the borehole, but to also provide a fluid conduit between the casing and the formation (Fig. 6; col. 3, lines 38-65 of Wilson et al). Thus, at the time of the invention, it would have been obvious to one of ordinary skill in the art to try using the extendable assemblies of Wilson et al with the casing of Cernocky

et al to achieve the predictable result of centralizing the casing with the borehole (KSR, Rationale E).

Nevertheless, the aforementioned combination does not specifically teach that the extendable assemblies have a filter media at their respective distal ends.

Prenner et al teach a casing 1 similar to that of the aforementioned combination, wherein extendable assemblies are mounted in apertures in the casing (Fig. 1). It is further taught that the distal end of the assembly has a filter media 8b therein. Thus, at the time of the invention, it would have been obvious to one of ordinary skill in the art to try using the filter media of Prenner et al with the extendable assembly of the combination to achieve the predictable result of providing a removable filter in the assembly (KSR, Rationale E).

Regarding claim 2, the casing is cemented in place before the injecting (see at least the Abstract of Wilson et al).

Regarding claim 3, an injection pressure exceeds a fracture pressure of the injection zone (col. 7, lines 34-38 of Cernocky et al).

Regarding claims 4-7 and 16-19, there will be at least 2 extendable assemblies within a square foot area of casing (Fig. 2C of Cernocky et al; Fig. 2 of Wilson et al).

5. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cernocky et al, Wilson et al, and Prenner et al as applied to claim 1 above, and further in view of US 6,631,764 of Parlar et al.

The combination applied to claim 1 above teaches a method of injection well construction similar to that of claim 8, wherein the injection well would obviously be drilled with conventional drilling fluid. However, it is not expressly taught in the combination that the conventional drilling fluid is displaced with a "Drill-In Fluid".

Parlar et al teach a method of well construction and completion similar to that of the combination. Parlar et al further teach the step of displacing a conventional drilling fluid with a drill-in fluid (see col. 3, line 65 through col. 4, line 7). It would have been obvious to one of ordinary skill in the art, having the teachings of the combination and Parlar et al before him at the time the invention was made, to modify the method taught by the combination to include the step of displacing drilling fluid with a drill-in fluid of Parlar et al. One would have been motivated to make such a combination because the method would provide reduced cost and improved fluid management practices, as taught by Parlar et al in column 4, lines 15-20.

Regarding claim 9, the casing is cemented in place before the injecting (see at least the Abstract of Wilson et al).

Regarding claim 10, an injection pressure exceeds a fracture pressure of the injection zone (col. 7, lines 34-38 of Cernocky et al).

Regarding claims 11-14, there will be at least 2 extendable assemblies within a square foot area of casing (Fig. 2C of Cernocky et al; Fig. 2 of Wilson et al).

Response to Arguments

6. Applicant's arguments with respect to claims 1, 8, and 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record on form 892 and not relied upon is considered pertinent to applicant's disclosure.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane Bomar whose telephone number is (571)272-7026. The examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shane Bomar/
Examiner, Art Unit 3676